

### REMARKS

The indication that claims 1 - 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC 112, second paragraph, set forth in the office action, is acknowledged.

Applicants note that by the present amendment, the title has been amended to be more clearly indicative of the claimed invention, claim 1 has been amended in a manner which is considered to overcome the rejection under 35 USC 112, second paragraph, with claim 1 being further amended to recite further features of the present invention, as will be discussed below, claim 4 has been canceled without prejudice or disclaimer of the subject matter thereof, claim 5 has been written in independent form while clarifying features of the present invention, and claim 6 has been amended, as will be discussed below.

Also, submitted herewith is an amendment to the drawings as required by the Examiner together with a replacement sheet wherein Fig. 16 is labeled "Prior Art" as required.

Turning to the amendment of claim 1, claim 1 has been amended to correct an informality, while deleting the recitation of the "terminals" and reciting the feature of "ends" for which antecedent basis has been provided. Thus, the rejection under 35 USC 112, second paragraph should be overcome. Also, claim 1 has been amended to delete the recitation of "so as to ensure shielding between the terminals and the anode", while further reciting the feature of "the shield member having an electric potential which is lower than an electric potential of the anode". As described at page 11, lines 15 and 16 of the specification, by electrically connecting the shield members 5 and the control electrodes 4, it is possible to enhance the shielding effect, and page 11, lines 18 - 22, describe the feature that the control

electrode 4 has a grid voltage of approximately 100V applied thereto. Thus, when the shield member is electrically connected with the control electrode, the shield member would have approximately the same voltage applied thereto. Page 11, lines 20 and 21 of the specification, recite the feature that the anode 23 has an anode voltage of several KV to several 10 KV applied thereto, such that it is apparent that the shield member has an electric potential which is lower than an electric potential of the anode, as now recited in claim 1. Thus, applicants submit that claim 1, as amended, has been amended to overcome the rejection under 35 USC 112, second paragraph, and such claim recites features not disclosed or taught in the cited art such that this claim should now be considered allowable together with the dependent claims.

Dependent claims 2 and 3 depend from claim 1 and recite further features which are considered to patentably distinguish over the cited art and such claims should also be considered allowable at this time.

With respect to independent claim 5, this claim has been rewritten in independent form and to clarify the features of a first frame body and a second frame body wherein the shield member is constituted of a second frame body which has substantially the same height as the first frame body, noting that the features of claim 1, as previously presented and amended, other than the newly recited feature thereof, have been incorporated into claim 5. Thus, applicants submit that claim 5, as amended, should also be considered to be in compliance with 35 USC 112, and to be allowable over the cited art, as apparently recognized by the Examiner.

As to the rejection of claim 6 under 35 USC 102(b) as being anticipated by Namikawa et al (US 5,600,203), this rejection is traversed insofar as it is applicable to claim 6, as amended.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Applicants note that by the amendment of claim 6, this claim has been amended to clarify features of the present invention while deleting the feature "so that said ends and the anode are shielded from each other by the frame body. Otherwise, claim 6 substantially corresponds to claim 6 as originally presented.

In rejecting claim 6 as anticipated by Namikawa et al, the Examiner recognizes that Namikawa et al discloses a plurality of cathode lines (Y1-Yn) and a frame body (31), as illustrated in Fig. 6, for example, which is inserted between the face substrate and the back substrate, and is arranged around the display region. The Examiner contends that Namikawa et al discloses, as illustrated in Fig. 6, that "the cathode lines have extending ends that are terminated at positions outside the display region, and the frame body is superposed on the cathode line ends ...". (emphasis added). Contrary to the position set forth by the Examiner, assuming that

31 as illustrated in Figs. 6 and 7 of Namikawa et al represents a "frame body" arranged in the manner defined, as shown in Fig. 7, the extending ends of the cathode lines Y1 -Yn, if assumed to terminate outside the display region, also terminate inside the frame body 31, as more clearly illustrated in Fig. 7 and possibly Fig. 6 of Namikawa et al. Thus, Namikawa et al does not disclose in the sense of 35 USC 102 that "the frame body is superposed on the cathode line ends" (emphasis added) as recited in claim 6 in light of the illustration in Figures 6 and 7 of Namikawa et al. Thus, applicants submit that Namikawa et al fails to disclose the claimed subject matter of claim 6 in the sense of 35 USC 102, and that it cannot be considered obvious in the sense of 35 USC 103 to provide such claimed features based upon Figures 6 and 7 of Namikawa et al. Thus, applicants submit that claim 6 patentably distinguishes over Namikawa et al and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims, present in this application patentably distinguish over the cited art and should now be considered allowable at this time. Accordingly, issuance of an action of favorable nature is courteously solicited.


Applicants note that in light of the Examiner's indication that the listing of references in the specification is not a proper information disclosure statement, submitted herewith is an information disclosure statement listing such documents together with copies thereof as well as other documents for consideration by the Examiner.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli,

Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.43125X00),  
and please credit any excess fees to such deposit account.

Respectfully submitted,

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 16. This sheet, which includes Figs. 15 and 16, replaces the original sheet including Figs. 15 - 16, previously omitting the legend "Prior Art".

Attachment: Replacement Sheet

Annotated Sheet Showing Changes